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In re Application of :
ZAIT et al. :
U.S. Application No.: 10/564,972 :
PCT No.: PCT/IL04/00653 :
Int. Filing Date: 18 July 2004 :
Priority Date: 18 July 2003 :
Attorney Docket No.: P-8503-US :
For: METHOD FOR CORRECTING :
CRITICAL DIMENSION VARIATIONS :
IN PHOTOMASKS :
DECISION ON PETITION
UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 28 November 2006 to accept the application without the signature of joint-inventor, Nikolay N. Guletsky.

BACKGROUND

On 18 July 2004, applicants filed international application PCT/IL04/00653 which claimed a priority date of 18 July 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 27 January 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 18 January 2006.

On 18 January 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 05 April 2006, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 01 August 2006, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 05 September 2006, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 28 November 2006, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor. Items (1), (3) and (4) were previously satisfied.

A review of the papers filed 28 November 2006 reveals that petitioner has paid the requisite petition fee, provided sufficient proof that the non-signing inventor (Nikolay N. Guletsky) refused to sign, stated the last known address of the non-signing inventor (Nikolay N. Guletsky), and provided an acceptable declaration. Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied.

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application will be given an international filing date of 18 July 2004 under 35 U.S.C. 363, and a date of 01 August 2006 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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